

**STOPPING
FAMILY
VIOLENCE:
THE
COMMUNITY
RESPONDS**



**ATTORNEY GENERAL'S
AND LT. GOVERNOR'S
FAMILY VIOLENCE COUNCIL**

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To the Citizens of Maryland:

In the course of a single day in Maryland, police will respond to at least 60 calls for help from people trying frantically to escape violence in their homes. Hundreds more will suffer abuse without mustering the courage to make that call to 911. They will rush to the emergency room, hoping the doctor does not ask how it happened. They will drag themselves to work wearing clothes they hope will hide the bruises. Their children will trudge to school too shaken even to think about trying to learn. About once a week a victim's failure to dial 911 in time will be fatal.

Over the last several years, we have made substantial progress in responding to this monumental suffering. We have begun to recognize that these daily tragedies cannot remain private ones. We have begun to realize that no single group or government agency can succeed on its own in protecting these victims. When a victim finally manages to make that call for help, her plea must do more than elicit the help from the person she has contacted. It must trigger a coordinated, comprehensive response to the many ramifications of the violence she faces.

We have started down this road toward changing the way we think and work together to reduce and prevent family violence. Under the coordination and leadership of the Family Violence Council, policymakers, law enforcement officers, advocates, judges, probation agents, health care providers and many others have come together to improve the laws, policies and systems which serve to protect victims. In this report, we have summarized their important work. The vast array of activity distilled in these pages is a testament to the power of people coming together to make a real difference for the vulnerable among us.

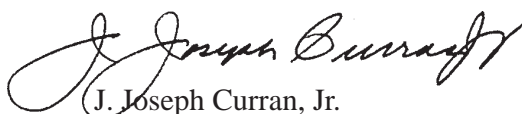
As co-chairs of the Family Violence Council, we want to thank both the Council members and the many individuals with whom they have worked for their efforts in forming the unprecedented partnerships which have made our achievements possible, and which will serve as the foundation for further progress. For as far as we have come, we have more to do. We must continue to build on our ability to act together to ensure that in Maryland, no victim's call for help will ever go unanswered.

We remain always mindful of the courage of victims and survivors in coming forward. It is with full appreciation of the dangers they face that we commit ourselves to ending their suffering. We will work towards a Maryland in which the first 911 call marshals the full resources of the justice system to protect the victim. At the same time, the emergency room doctor will ask how it happened, the co-worker will offer help, and the school teacher will reach out to the child. The community, together, will respond.

With warm wishes,



Kathleen Kennedy Townsend
Lt. Governor



J. Joseph Curran, Jr.
Attorney General



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I. Background of the Council

In 1995, Attorney General J. Joseph Curran, Jr. and Lt. Governor Kathleen Kennedy Townsend decided that the devastating effect of family violence on families and children required a more coordinated, comprehensive response on the part of the State. Many different State agencies and private groups had worked for years to address the tragedy of violence in families, but the Lt. Governor and Attorney General determined that everyone's efforts could be enhanced by elevating the issue statewide and creating a means to work together more effectively. Thus, they created the Family Violence Council and charged it with the mission of reducing and preventing family violence in Maryland and breaking the cycle of violence between generations.¹

The Council constituted representatives from all aspects of the criminal justice system, as well as elected officials, advocates, scholars, and citizens. (See Page 28) Its first task was to understand the major problems in the State's response to family violence. After a year of work, including four public hearings, it issued a report, *Stop the Violence: A Call to Action*, which analyzed the major problems and made a series of recommendations.

The Council then set out to lead and encourage efforts to implement its recommendations. It divided into seven Action Teams to focus on particular areas, e.g., criminal justice, courts, legislation. The Council's membership and the scope of its work and outreach continued to grow. This update summarizes the major accomplishments of the Council, the partners with whom it has worked over the last five years, and recommendations for further progress.

What we have learned over the last five years is that family violence is too complex, too powerful, and too deeply embedded for any single agency or system to root out by itself. When a victim calls for help, she needs not only a sensitive and appropriate response from the agency she has contacted. She also needs that call to trigger a comprehensive response to the many ramifications of the violence she faces. The 911 operator must know what questions to ask. The responding law enforcement officer must understand the dynamics of family violence and collect the appropriate evidence. The prosecutor must recognize the need to go forward with the case even if the victim chooses not to testify. The judge must take the steps necessary to ensure the victim's safety and to hold the abuser accountable. Each of these pieces depends on the others, and a breakdown at any point can render the overall response to the victim ineffective. Moreover, a similar series of responses must occur if a victim's initial call for help is to a health care provider, her employer, a member of the clergy, or a child's teacher.

In these pages, we set out the ways in which these systems have begun to work together and coordinate their responses more effectively. Many agencies have enhanced their communications and reached out to achieve an unprecedented level of collaboration on behalf of victims. The Council's challenge now is to help institutionalize and build on this new level of cooperation. In addition, the Council intends to broaden its original, primary focus on the criminal justice system to include a greater emphasis on prevention. While the structure and focus of the Council will continue to evolve, its basic mission remains constant. It will continue to seek an end to the cycle of violence in Maryland's families.

¹ As used in this report, the term family violence means domestic violence, sexual assault, child abuse or elder abuse committed by a present or former household member, family member, or someone in an intimate relationship. The Family Violence Council has focused primarily on domestic violence and its effects on family members. Other efforts address the full range of sexual assault, child abuse and elder abuse issues.

II. Criminal Justice

Family violence poses unique and important challenges to the criminal justice system, and demands from it a vigorous, coordinated, and comprehensive response. The criminal justice system has several distinct components, *i.e.*, 911, law enforcement, court commissioners, prosecutors, judges, and parole and probation. While each has its own role in responding to family violence, they must all work together to accomplish their shared goal of ensuring the safety of victims.

1. 911

Importance to Victims

The 911 Emergency Response System serves as a vital link between victims and protection.



Emergency communications specialists are often the first point of contact for victims who are reaching out for help. Family violence calls are the

most prevalent type of call made to Public Safety Answering Points (PSAP) in Maryland. The manner in which emergency communications specialists handle family violence calls and respond to victims is critical. It can make the difference between life and death, and it always sets the stage for law enforcement's response.

The Challenge

Although 911 personnel had long realized the importance of domestic violence training and hiring standards, as of 1995 their efforts toward statewide implementation had not been completed. Domestic violence calls were not given the same priority as other calls, and 911 operators often did not possess the skills needed to assist domestic violence callers properly. Moreover, PSAP did not have uniform domestic violence policies or hiring standards.

Meeting the Challenge

911 systems have taken significant steps toward responding more effectively to family violence

victims' calls for help. In collaboration with the Maryland Institute for Emergency Medical Services Systems (MIEMSS), the Council's 911 Subcommittee and the Emergency Numbers Systems Board produced a 911 training video and a Domestic Violence Protocol Card for statewide training of all secondary PSAP personnel. The training materials were also distributed to law enforcement. The Maryland Police and Correctional Training Commissions approved the video for in-service training credit for law enforcement officers.

Moreover, a model 911 Domestic Violence Policy for emergency communications specialists was written. The policy is also now part of the Emergency Communications Section of the Model Domestic Violence Policy for Maryland's law enforcement community. 911 personnel also began to review hiring standards.

Recommendations

- 911 should establish minimum hiring qualifications and complete the job task analysis that it has begun.

2. Law Enforcement

Importance to Victims

Law enforcement personnel are often the first representatives of the criminal justice system to intervene in family violence cases. The manner in which officers respond, including arresting the offender and providing support to the victim, must communicate that family violence is serious criminal conduct. Without strong law enforcement intervention, violence typically escalates. Conversely, making an arrest and supporting the victim can deter further violence.

The Challenge

In 1996, the quality of law enforcement agencies' domestic violence policies and protocols varied considerably. Some jurisdictions did not emphasize the importance of arresting an abuser for violations of *ex parte* and civil protective orders. Timely service and entry of protective

orders into databases were and remain a challenge. The enforcement of orders from other states and on military installations also presented difficulties. Maryland's law on enforcing out-of-state orders was unclear, and the military had done little to address domestic violence generally.

In addition, law enforcement had problems in its handling of sexual assaults. As with the domestic violence policy, not all agencies had adopted a policy on sexual assault. Officers did not receive consistent training on handling sexual assault calls, and they did not always inform victims of the processes necessary to ensure their health and safety.

Meeting the Challenge

- **Domestic Violence Policy and Training**
Under a grant supported by the Maryland Police and Correctional Training Commissions (MPCTC) and the Maryland State's Attorneys' Association, the Maryland Network Against Domestic Violence (MNADV) worked in a cooperative venture with the Maryland Chiefs of Police Association, the Maryland Sheriffs' Association, the Maryland State Police, and the Baltimore Police Department to develop a model domestic violence policy for the Maryland law enforcement community.

As of June 2001, 85% of responding Maryland police agencies reported having adopted the model policy. In addition, MNADV had trained 4,760 officers from 86 agencies.

- **Sexual Assault Policy and Training**
The Maryland Coalition Against Sexual Assault (MCASA) worked with the MPCTC to develop and distribute *Crimes of Sexual Assault: A Guide for Victims and Law Enforcement*. The guide is a comprehensive summary and checklist of investigative techniques and tasks essential to handling sexual assault offenses effectively. MCASA and MPCTC printed 13,000 guides and have distributed 9,500 to law enforcement agencies statewide.

MCASA has also designed a law enforcement sexual assault training curriculum. MPCTC

now requires law enforcement officers to participate in sexual assault training every three years. Finally, as of August 2001, 70% of responding police agencies report that they have adopted MCASA's model sexual assault policy. An additional 30% report that they have either adopted part of the policy or substituted MCASA's model policy with their own.

- **Civil Protective Orders: In-State**
First, in 1997, new legislation helped alleviate the problem of timely service of protective orders by allowing service "in open court or by first class mail." Then, in 1999, the Superintendent of the Maryland State Police created a task force to examine more globally issues related to the issuance, service and data entry of *ex parte* and civil protective orders. The task force has worked toward improved service and entry through a combination of training, outreach and systemic changes in law enforcement policy. For example, the Governor's Office of Crime Control and Prevention (GOCCP) has provided grant funds to law enforcement agencies to reduce backlogs and improve the timely service and data entry of *ex parte* and protective orders.



- **Civil Protective Orders: Out-of-State**
First, law enforcement has worked to improve the sharing of information among agencies both within Maryland and in other states. For example, it established a link between Maryland Interagency Law Enforcement System (MILES) and the Federal Bureau of Investigation's National Crime Information Centers (NCIC).

Second, the Council has made a priority of giving out-of-state protective orders full faith and credit, *i.e.*, honoring and fully enforcing orders issued in courts outside of Maryland. In 2000, an opinion of the Attorney General addressed several questions regarding the enforcement of out-of-state orders and recommended that the law be clarified.

As of June 2001, 85% of responding Maryland police agencies reported having adopted the model policy. In addition, The Maryland Network Against Domestic Violence had trained 4,760 officers from 86 agencies.

The Council then prepared an instructional guide on the enforcement of out-of-state orders based on the Attorney General's opinion. In 2001, the General Assembly passed a law clarifying the interpretation and enforcement of out-of-state orders.

- Domestic Violence and the Military
Civilian and military authorities in Maryland have worked together to ensure the safety of domestic violence victims and will continue to do so. Through the work of the Interstate and Military Base Subcommittee of the Council's Criminal Justice Action Team, civilian law enforcement personnel are now escorted onto major military installations to serve the abuser with the civilian protective order. As a result of this ongoing collaboration, the U.S. Attorney for the District of Maryland reports fewer complaints since the implementation of the recommendations by these installations. In addition, several representatives from the military's Family Advocacy Program serve on local family violence coordinating councils.

Recommendations

- The Council should work to encourage 100% of law enforcement agencies to adopt the model domestic violence policy and continue regular training.
- The Council should work to encourage 100% of law enforcement agencies to adopt the model sexual assault policy and continue regular training. It should also review MCASA's plans to make a series of statewide recommendations in 2002 that will cover a wide range of topics, including counseling, health care, evidence collection, prosecution, and data collection.
- Law enforcement should continue to improve its entry of civil protective orders into MILES/NCIC in a timely and accurate manner. Agencies responsible for data entry should receive grant support to perform this critical function. The Council should also monitor the progress of the statewide warrant system, which will automate the entry of this

information into the MILES system.

- In the wake of the 2001 passage of "full faith and credit" legislation, the Council should work closely with law enforcement to ensure quality training. For example, the Council and MNADV will conduct training on the enforcement of out-of-state orders under a PCTC grant awarded to the Maryland Sheriffs' Association.
- The Council should assist advocates in obtaining any materials or information available from the Department of Defense, and should facilitate better, ongoing communication between civilian advocates and military personnel. Local coordinating councils should solicit military personnel to serve on local coordinating councils.

3. Court Commissioners

Importance to Victims

Court commissioners play a critical role in victim safety, often serving as the first line of defense. Victims can go directly to court commissioners without police intervention 24 hours a day, 7 days a week, to make application for a statement of charges against an abuser. If commissioners find probable cause to believe an offense occurred, they can issue a summons or an arrest warrant. They can also decide whether to require a bond and can set conditions of pretrial release. Thus, the manner in which commissioners handle complaints can be pivotal in ensuring victim safety.

The Challenge

In 1996, the Family Violence Council gathered feedback about commissioners through public hearings. Testimony at the hearings revealed several areas of concern. First, the Council found that some commissioners failed to elicit sufficient information for charging abusers and for setting appropriate terms of release. Second, commissioners were often not immediately accessible 24 hours per day, 7 days a week. Third, they sometimes released abusers on their own recognizance rather than setting necessary terms of pretrial release. Finally, many commissioners lacked appropriate sensitivity to issues relating to

family violence generally.

Meeting the Challenge

- **Training**
Between 1998-1999, the Coordinator for Commissioner Activity, the Chief Judge of the District Court, the House of Ruth, and the Mid-Shore Council on Family Violence used Violence Against Women Act (VAWA) funding to create a domestic violence manual and training curriculum, including videotape, for court commissioners. All new commissioners receive the curriculum and view the videotape as part of their orientation. Beginning in FY 2002, a full-time staff person will develop, coordinate, and consolidate ongoing, statewide training for court commissioners.
- **Commissioner Qualifications**
Prior to 1997, court commissioners were required only to have a high school diploma. All new hires must now have a four-year undergraduate degree. Currently, 219 out of 254 commissioners have a Bachelors of Arts or Sciences degree.
- **24-Hour Access to Commissioners/Public Education**
In 2001, the Coordinator of Commissioner Activity began an information campaign to educate Marylanders about the role, duties, and availability of commissioners. Court commissioners' pager and telephone numbers were placed on billboards in selected jurisdictions. The Coordinator also implemented a new paging system to make commissioners more accessible to the public. Most recently, Prince George's and Carroll counties opened two additional commissioners' offices to meet increasing demand.

Recommendations

- The Council should continue to push for legislation to allow victims to obtain interim orders for protection 24 hours per day, 7 days a week.

- The Coordinator of Commissioner Activity should continue to conduct outreach activities to raise public awareness about the responsibilities, training, and qualifications of court commissioners. The new staff training coordinator should evaluate current training and assess future training needs.
- The courts should also institute mechanisms to track whether commissioners make victim safety a priority and whether victims report that conditions of release are tailored to protect victim safety.

4. State's Attorneys

Importance to Victims

State's Attorneys, who are elected in every county, are responsible for prosecuting crimes of domestic violence. As such, they have the power to decide whether to pursue or drop any given case. With respect to this decision, domestic violence cases present a unique challenge. Domestic violence victims, out of fear for their safety, their economic security, or other factors, often ask for charges against their abuser to be dropped. Yet prosecution in these cases is essential. It serves both to hold abusers accountable and to send the message that violence in the home is criminal behavior and will not be tolerated. Thus, State's Attorneys have a special responsibility in these cases to evaluate the merits of prosecution notwithstanding victim reticence or ambivalence.

The Challenge

The Council studied State's Attorneys' practices around the State to identify problems in case investigation, prosecution, and victim advocacy. The Council found that aggressive prosecution was not occurring uniformly and that training was spotty. These inconsistencies adversely affected not only victims but also law enforcement. Because State's Attorneys and police and sheriff departments work hand in hand, law enforcement personnel found it frustrating when they made the effort to collect evidence necessary for domestic violence prosecutions that were never pursued.

Meeting the Challenge

MNADV's "Pro-prosecution Project" has gone a long way toward alleviating these problems. A

As of late 2001, the Maryland Network Against Domestic Violence has trained 21 of Maryland's 24 jurisdictions training in pro-prosecution policies.

“pro-prosecution” policy means that all cases in which the State’s Attorney believes sufficient evidence exists to establish guilt beyond a reasonable doubt will be prosecuted, regardless of victim preferences. As of late 2001, MNADV had trained 21 of Maryland’s 24 jurisdictions in pro-prosecution policies². As the project continues to flourish, participating counties have requested and will receive ongoing training to ensure lasting success.

As part of the project, MNADV developed a domestic violence supplemental form that enables law enforcement to collect evidence at the domestic violence scene. Law enforcement then turns the form over to the State’s Attorney for use in prosecution. The Council, in conjunction with the Maryland State’s Attorneys’ Association, mailed surveys to all 24 State’s Attorneys. Of the 21 offices that responded, 90% replied that they currently use the domestic violence supplemental form.

Recommendations

- While many State’s Attorneys’ offices have adopted a model pro-prosecution policy, the Council suggests that a statewide pro-prosecution policy be formally adopted by the Maryland State’s Attorneys’ Association. A statewide pro-prosecution policy sends a strong message to abusers that the State, as well as local counties, takes domestic violence seriously.

- The Council should encourage a full evaluation of pro-prosecution policies. While anecdotal evidence suggests positive results, analytical data may provide important additional insight.



5. Courts

Importance to Victims

The courts provide avenues of relief to family violence victims in both the civil and criminal contexts. On the civil side, the court can issue protective orders which require the

abuser to stay away from the victim and can provide other types of relief as well, *e.g.*, temporary custody of children. On the criminal side, the court holds abusers criminally accountable for their actions. Prosecutors charge abusers most commonly with assault, but charges can also include homicide, sexual assault, child abuse, elder abuse, malicious destruction of property, stalking, telephone misuse, harassment, breaking and entering, violation of an *ex parte* or protective order or any other crime connected with violence or coercion of an intimate partner. These criminal and civil remedies are not mutually exclusive; victims can obtain civil protective orders and press criminal charges against abusers for the same acts. Finally, even juvenile courts may play a role in family violence cases where victims are alleged to have also abused or neglected their children.

The Challenge

The mix of different civil and criminal remedies, all of which may be pursued in either District or circuit court, can result in a confusing labyrinth of multiple court filings, hearings, and obligations. This can create problems both for judges, who may not have critical information about related cases in other courts, and for victims who, as lay persons often without counsel, may not have full information about the remedies and resources available to them and have difficulty navigating the complexity of the judicial system. Better coordination of related cases and improved communication among different courts would streamline the process for victims and ensure a comprehensive, holistic response to family violence.

Meeting the Challenge

- Training
All new judges now receive training in family violence, and veteran judges periodically receive additional training. Between 1996 and August 2001, the Maryland Judicial Institute offered ten family violence-related courses. In 1998, the Institute, in collaboration with the Council, presented *Beyond the Family Violence Petition*. The Judicial Education Subcommittee of the Courts’ Action Team developed this original family violence training and delivered

² Charles, Calvert, and Queen Anne’s Counties have yet to participate. Although Charles County has not yet been trained in pro-prosecution, plans have been made to begin the project in late 2001.

it to 40 judges in a 3-hour program at the Judicial Institute.

Judicial training has, in part, addressed specific problems identified in *A Call to Action*, e.g., ordering abusers to attend abuser intervention treatment; ordering specific days and times for visitation; the effect of family violence on children; and enforcement of out-of-state protective orders. Plans are also moving forward on a “family law” training designed specifically for District Court judges. In addition, the Maryland Judiciary and the Foster Care Court Improvement Project have held judicial conferences on child abuse and neglect annually since 1997. This training assists judges in addressing the displacement of children, which can arise in family violence cases.

- **Forms**
Since 1996, the courts have made it easier for victims to initiate judicial process themselves. A forms committee recommended changes in the *pro se* forms to make them more user-friendly. They have also improved certain aspects of the *ex parte* and protective order forms. For example, the current *ex parte* order language gives law enforcement officers express authority to remove children from non-custodial parents when serving orders granting custody, and it also requests respondent’s mailing address. Language in the protective order assists the court in fashioning appropriate visitation arrangements, and it advises that service of the protective order by first-class mail constitutes actual notice of the contents of the order. Finally, the District Court in Prince George’s County is pilot-testing a new computer program that will replace handwritten *ex parte* and protective orders with computer-generated ones.
- **Clerks**
In 1999, the House of Ruth and a member of the judiciary trained more than 200 District Court clerks, supervisors and administrators handling family violence cases. Additionally, District Court personnel wrote and produced a

clerk and commissioner training video, entitled *The Paper Chase*, which describes how family violence cases travel through the civil and criminal courts. Clerks have also received training on treating family violence matters as emergent, checking all Maryland court information systems for related cases, and giving judges files in all interrelated cases. Finally, as of June 2001, 9 out of 12 Maryland judicial districts have specially trained family violence clerks.

- **Technology**
Both District and circuit courts are also working to increase access to each other’s computer information systems. Such access would enable judges to determine immediately whether families are involved in more than one case. To this end, the Administrative Office of the Courts (AOC) is working to obtain District Court Information System access for family support services coordinators who work within the circuit court. Second, the Chief Clerk of the District Court has developed a manual and provided initial training for circuit court clerks. In early 2001, this training taught circuit court clerks to access and understand District Court files. Both the District and circuit courts will continue this effort, with the assistance of the Judicial Information Systems Office.
- **Legislation and Rules Changes**
In 2001, the judiciary introduced legislation in the General Assembly which would have authorized District Court Commissioners to issue interim orders 24 hours a day, 7 days a week. This legislation did not pass but will be reintroduced in 2002.

In September 2001, the Standing Committee on Rules of Practice and Procedure of the Court of Appeals of Maryland approved amendments to Md. Rules 3-326 and 2-327. These amendments will enable courts to transfer protective order hearings to a different court with pending, related matters for purposes of addressing the cases more comprehensively. The effective date of these rule changes has not yet been announced.

As of June 2001, 9 out of 12 Maryland judicial districts have specially trained family violence clerks.

STOPPING FAMILY VIOLENCE: THE COMMUNITY RESPONDS

In fiscal year 2000, over 4,268 family violence victims received consultation or legal representation services through the Administrative Office of the Courts' Special Grant funding.

- Family Divisions/Family Services Programs
The five largest circuit courts, *i.e.*, Anne Arundel, Baltimore City, Baltimore County, Montgomery and Prince George's counties, now have separate family divisions. In addition, in these and the remaining 19 jurisdictions, the AOC has Family Services Programs staffed by Family Support Services Coordinators. These programs offer a variety of resources, including psychological evaluations for children, court waiting rooms for children, custody investigations, emergency assistance, parenting education and visitation services.

The AOC has also funded other programs that assist victims of family violence. In fiscal year 2000, over 4,268 family violence victims received consultation or legal representation services through the AOC's Special Grant funding. The AOC funded six legal services programs for victims with over one million dollars in grants. A number of these programs provide on-site access to advocacy services within the courthouse. This includes several Protection Order Advocacy and Representation Project programs. The AOC anticipates devoting additional resources to expand these resources in the future.

- Research
The Attorney General and Lt. Governor have also taken steps to obtain more information about how the courts and prosecutors treat family violence cases. Specifically, they have requested the State Commission on Criminal Sentencing Policy to research whether judges are imposing on family violence offenders enhanced sentences or sentences that are on a par with those of stranger crimes, and whether State's Attorneys are expediting family violence proceedings and recommending serious consequences and graduated sentences.

Recommendations

- The courts should evaluate continually the extent to which *pro se* forms are user-friendly. This is critical to ensuring victims have

adequate opportunity to give the court as much information as possible and to avail themselves of all appropriate relief.

- Judges should continue to receive regular training in handling family violence cases. The training should be tracked and evaluated periodically. In addition, other groups such as masters, prosecutors, attorneys, court clerks, and advocates should also receive regular training. Assuring that all judicial personnel are competent to perform their respective roles in handling family violence cases advances the coordinated community response.
- Because court clerks are often the victim's first contact with the judicial system, it is especially important that they receive regular training. They should pay attention particularly to appropriate protocols in cases with cross-petitions and multiple civil and criminal filings. Efforts by the courts should continue towards the goal of having family violence clerks in each of the State's twelve district courts.
- District and circuit courts must have the ability to communicate with one another. Without such communication, the judiciary's efforts to provide maximum protection to family violence victims will necessarily be hindered. The State should vigorously pursue all possible efforts to achieve this goal.
- The courts should develop a case management plan for family violence contempt motions to ensure that they are expedited.
- Family Divisions/Family Services Programs serve the vital function of providing family violence victims access to the resources and services they need. Efforts should continue toward maintaining, and where possible, increasing funding levels to ensure that all victims in every county have the appropriate family and legal resources available to them.
- The Council should work with the State Commission on Criminal Sentencing Policy, the Governor's Office of Crime Control &

Prevention and other entities to design and conduct research to determine the following: 1) whether family violence offenders receive sentences on a par with those of non-intimate partner crimes; 2) whether repeat family violence offenders receive enhanced sentences; 3) whether State's Attorneys are expediting proceedings for family violence cases and recommending serious consequences and graduated sanctions; and 4) whether significant differences exist between family violence dockets and non-family violence dockets.

6. Parole and Probation

Importance to Victims

Probation serves as a direct link between the criminal justice system and the offender. When abusers are convicted in criminal courts, their sentences frequently include supervised probation. The courts often attach special conditions of probation to the sentence. In cases of family violence, conditions frequently include an order to have "no contact" with the victim and an order to attend an abuser intervention program. Once the abuser is assigned to a probation agent, it is up to the agent to advise the court when and if the abuser fails to comply with court orders.

The Challenge

Before publishing *A Call to Action* in 1996, the Council conducted a survey to determine the number of abusers on parole or probation. According to the survey, the number of family violence offenders entering the criminal justice system was on the rise. The majority of these offenders were placed on probation. Agents worked to hold abusers accountable for their actions, but were not specifically trained in the area of family violence. Without such training, agents were often not aware of the manipulation and scare tactics abusers commonly use to intimidate victims. Similarly, agents were not strictly enforcing "no contact" orders.

To be effective in holding abusers accountable and keeping victims safe, agents needed a better

understanding of the dynamics of family violence, the legal issues involved, crisis intervention and conflict resolution. Agents providing abuser supervision also needed a reduced caseload.

Meeting the Challenge

- **System Reform**
In response to *A Call to Action*, in February 1997 the Division of Parole and Probation established a Family Violence Work Group to review and develop strategies to implement the Council's recommendations. As a result, Parole and Probation formed the Office of Victim Services.

In addition, Parole and Probation began a fundamental overhaul of the supervision system, known as Proactive Community Supervision (PCS). The objectives of PCS are to protect public safety, to hold offenders accountable to victims and the community, and to assist offenders in developing the competency and character necessary to become responsible and productive members of society. Probation agents will be deployed at the neighborhood level, working in a team with law enforcement and treatment providers.

- **Training and Development**
The Staff Development and Training Unit within the Division of Parole and Probation now routinely offers training in family violence, sexual assault and elder abuse as part of its in-service staff training requirements. It also provides family violence training for all new agents and employees. In addition, staff is encouraged to attend training and seminars offered by local and national organizations outside of the agency.
- **Family Violence Units**
In Baltimore City, a special unit, the Family Assault Supervision Team-DV (FAST-DV), supervises all family violence cases. Currently, seven agents are assigned to the unit, each carrying an active caseload of about 45 offenders. All offenders in the FAST-DV Unit are classified as intensive supervision cases.

³ In *A Call to Action*, the Council also called for special supervision fees for dedicated parole and probation units. This legislation received an unfavorable report.

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In jurisdictions without specialized caseloads, family violence offenders are assessed using standard supervision guidelines. Abusers receive special consideration, however, with respect to supervision planning and risk assessment. The courts also provide special instructions or requirements for supervision of some abusers.

- **Enforcement of No Contact Orders**
Currently, when the court orders “no contact” as a special condition of probation, the supervising agent sends a letter to the victim. The letter defines “no contact” and requests that the agent be notified if contact occurs. When a victim reports an incidence of contact, the agent will submit a special report to the court requesting either a summons or warrant for the offender. Parole and Probation places a

high priority on family violence infractions. It handles promptly all requests for warrants and other court actions when significant events occur that endanger victims or indicate that offenders are non-compliant with the terms of supervision.

Recommendations

- The Council should continue working with Parole and Probation to ensure that the Division considers the special needs of family violence and sexual assault victims.
- The Council should work with Parole and Probation and local coordinating councils to ensure that more parole and probation personnel participate on local coordinating councils.



III. Legislation

Importance to Victims

The law is the cornerstone of a coordinated community response to family violence. All local coordinating councils use civil and criminal laws to protect victims and hold abusers accountable. Maryland's civil protective order statute provides relief to thousands of family violence victims each year. Without these laws, thousands of victims would be left without the criminal and civil protections they need and deserve.

The Challenge

Maryland's advocates have long been active in Annapolis lobbying on behalf of family violence victims. While some years have brought more successes than others, the Council identified a range of legislative measures which were necessary to support victims of family violence. It also identified the need for advocates, law enforcement, the judiciary, and all other stakeholders to coordinate legislative efforts to maximize the chances for success.

Meeting the Challenge

In each legislative session since *A Call to Action* was published, the Council's Legislative Action Team has promoted key pieces of legislation. The Action Team acts as a forum for gathering input

from a range of perspectives on any potential legislative measures. In each session, Lt. Governor Townsend and Attorney General Curran have testified and lobbied tirelessly on behalf of key legislation. The following table summarizes the major legislative efforts and achievements since *A Call to Action* was published.³

Recommendations

- The Council should continue to identify appropriate new legislation and should assess periodically the implementation and effectiveness of existing laws.



³ In *A Call to Action*, the Council also called for special supervision fees for dedicated parole and probation units. This legislation received an unfavorable report.

**STOPPING
FAMILY
VIOLENCE:
THE
COMMUNITY
RESPONDS**

Seven key pieces of family violence legislation have been passed since 1996.

Legislation	Description	Took Effect
HB 158 Family Law-Protective Orders	Strengthened protective order by extending emergency relief available to 12 months, clarifying the scope of protection around a residence, and making order more enforceable by allowing service by first class mail	10/1/97
HB 9/SB 157 Family Law-Grounds for Absolute Divorce	Primary focus was on a bill to allow married victims of family violence to file immediately for an absolute divorce on the grounds of abuse, which carried over from the Council's 1997 legislative agenda	10/1/98
HB 680/SB 157 Domestic Abuse-Duties of Law Enforcement Officers	Clarified victims' rights by explicitly enabling victims of family violence to retrieve medicine and medical devices when accompanied by police to their homes to get clothes and personal effects	10/1/97
HB 681/SB 161 Evidence Assault Trials Spousal Privilege-Record of Assertion	Enabled prosecutors to enforce the "one time only" spousal privilege law.	10/1//97
HB 233 - Courts and Judicial Proceedings - Peace Orders	Originally drafted to make persons involved in dating relationships with their abusers eligible for civil protective orders under the Family Law Article. The bill was amended in House Judiciary, and moved to the Courts and Judicial Proceedings Article. The amended bill dramatically expands the class of persons now eligible to receive the protection of a civil no-contact order.	10/1/99
HB 231-Pretrial Release	Prohibits District Court commissioners from authorizing the pretrial release of defendants charged with violating the arrestable (no-contact) provisions of <i>ex parte</i> and protective orders. Defendants facing these charges may be granted pretrial release by a judge only if the judge can place suitable conditions upon the release which will reasonably assure the defendant will not pose a danger to another person or the community, or flee, prior to trial.	10/1/99
HB 254-Family Violence-Out-of-State Orders for Protection-Enforcement	Enables law enforcement to enforce out-of-state orders that "appear valid on their face," provides immunity to law enforcement agencies, and allows out-of-state <i>ex parte</i> orders to be enforced in Maryland.	10/1/01

IV. Local Family Violence Coordinating Councils

Importance to Victims

Family violence affects the entire community. Thus, it takes more than one agency to reduce and prevent it. Moreover, the State can set general policy, but the actual implementation and necessary coordination among implementing agencies must occur at the local level to be most effective. Local Family Violence Coordinating Councils (LFVCC) are the mechanisms that make this local implementation possible. They tailor prevention, intervention and treatment policies to serve their local communities, and they facilitate coordination among all of the agencies and programs charged with responding to family violence. In working toward their goal of reducing the incidence of family violence in their communities, they advocate for improved policies and increased community and professional awareness about family violence and its prevention.

The Challenge

Prior to the Family Violence Council, only a handful of Maryland's jurisdictions had an organized LFVCC. Agencies did not discuss their respective roles in serving victims, and thus services were often duplicated. Conversely, they failed to recognize gaps in services. Only local service providers conducted any kind of family violence outreach. Agencies were trying to address family violence individually, rather than through a coordinated community approach.

Meeting the Challenge

Nearly all of Maryland's 24 jurisdictions now have LFVCCs. Generally, each LFVCC seeks to move its jurisdiction forward toward a coordinated and effective response to family violence. LFVCCs are typically comprised of victim service providers, advocates, educators, law enforcement, parole & probation officers, health care professionals, judges, elected officials, and/or business persons. Each LFVCC has a coordinator, who may represent one of the above groups, or may be grant-funded to serve as coordinator. In addition to serving on local coordinating councils, coordinators serve on the Council's Local Family Violence Coordinating Council Action Team.



Recommendations

- The Council should work with LFVCCs to ensure that there are full-time coordinators in all of Maryland's 24 jurisdictions.
- The Council should continue to facilitate the flow of information from local to state, state to local, and local-to-local levels through newsletters, a website, monthly meetings, and periodic retreats for coordinators.
- The Council should continue to work with LFVCCs to ensure that local councils have participation from essential agencies and groups.

Nearly all of Maryland's 24 jurisdictions now have Local Family Violence Coordinating Councils.

V. Community Education

The impact of family violence is staggering. It claims over seven million victims every year. It contributes to child abuse and neglect, female alcoholism, homelessness, mental illness, attempted suicide, lost productivity in the workplace, and increased health care costs. Estimates of its overall monetary costs range between \$5 and \$10 billion a year.

This scourge demands the most comprehensive, coordinated response possible. No single advocacy group, no single government agency, no single health care provider or school system or faith institution can begin to combat it effectively. Rather, all these members of the community must come together and work together to end the cycle of violence.

Yet communities cannot and will not come together to reach their full potential in reducing and preventing family violence unless they understand more fully its dynamics and implications. The judicial system ultimately relies on the attitudes and understanding of the citizens sitting in the jury box. The police rely on neighbors to report abuse and not turn a deaf ear. Widespread public education - through a sustained campaign to dispel myths and convey truths - is essential to a coordinated response to root out violence in families.

1. Domestic Violence and the Workplace

Importance to Victims⁴

Family violence does not stay home when its victims go to work. It spills over into the workplace in a variety of ways. It can actually occur in the workplace, *e.g.*, an abuser makes harassing phone calls or follows his victim to work. More often, it affects the work environment by causing absenteeism or reduced productivity due to victim injury or extreme stress. With one out of every four American women reporting physical abuse by an intimate partner at some point in their lives, most employers can be certain that family violence is affecting their employees. Recent highly-

publicized workplace shootings, often involving domestic violence, have also increased concern about violence in the workplace.

The Challenge

While family violence imposes an economic burden on business, the workplace also presents a tremendous opportunity for addressing it. Many family violence victims spend at least eight hours a day at work. Thus, the workplace could be a haven through which they receive help and support.

Most employers, however, do not have the expertise or policies in place to respond to this opportunity. At the same time, family violence service providers often lack sufficient resources. Partnerships between employers in need of expertise and employee assistance and service providers in need of resources, therefore, could provide mutual benefit. Service providers could assist employers in instituting family violence policies and procedures and in providing services to their employees, while employers could donate in-kind or other resources to the providers.

When the Council convened in 1996, only Walden/Sierra, Inc., a victim service program in St. Mary's County, was marketing its services to businesses as an employee assistance program and had formed a partnership with a corporation. The Council also was not aware of any employer which had implemented family violence policies or procedures. Finally, the Council realized that the State also lacked specific family violence policies and procedures for its employees.

Meeting the Challenge

The Council created the Victim Services Resources Action Team to establish links between businesses and local service providers. The Team has evolved into a truly collaborative effort throughout the State. The Council has worked closely with the MNADV and the House of Ruth both to improve the State's response to family violence issues and to encourage private businesses to take action.

⁴ "Workplace Issues" Family Violence Prevention Fund website, <http://www.fvpf.org>

86% of Maryland's employees have been trained in the State's Domestic Violence Workplace Policy.

- **Business Relationships**

The Council created the *Partners Against Violence-the CEO Challenge Program* to involve businesses in the effort to combat domestic violence. Modeled after the Polaroid Corporation's initiative, the program sought to establish mutually beneficial partnerships between victim service providers and businesses, with the terms of the partnerships to be negotiated by the partners.

A successful partnership, which can serve as a model for others, is that between the International Association of Machinists and Aerospace Workers, a labor union in St. Mary's County, and the county Women's Center. The labor union hosts and sponsors a yearly golf tournament, with all proceeds benefiting the Women's Center. The union has donated more than \$50,000. In exchange, the Women's Center provides family violence education to union members.

- **Workplace Initiatives**

On October 1, 1998, Governor Parris N. Glendening signed Executive Order 01.01.1998.25, *Domestic Violence and the Workplace*. The Executive Order mandated that the State develop domestic violence policies and initiate domestic violence awareness training for its employees. The Department of Human Resources (DHR), Office of Victim Services (previously Office of Transitional Services) entered into a contract with MNADV to develop a model domestic violence workplace policy, curriculum, and training. Using the model policy and curriculum, MNADV and the State have trained 48,265 (86%) State employees.

Recommendations

- Efforts to build partnerships among service providers and businesses should continue.
- The State should continue educating employees about family violence, and should track the numbers and quality of the training on an ongoing basis.

2. Health Care Providers

Importance to Victims

Domestic violence is the leading cause of injury to women in the United States. More than one million women a year seek medical treatment for injuries inflicted by an intimate partner. Domestic abuse represents 30% of all women's injuries treated in emergency rooms. Moreover, many of these injuries are serious. A study of one metropolitan emergency room revealed that 28% required admission to the hospital, and 13% required major medical treatment. 40% of the women had required prior medical care for abuse.

The health care system may be the first point of contact for a family violence victim seeking help. In some cases, in fact, this contact may be the only opportunity to assist a victim.

Some women are unable, either out of fear, cultural prohibitions or other reasons, to enlist the protection of the criminal justice system. Whether and how the health care system responds to a victim, therefore, can mean the difference between beginning the road to recovery or remaining trapped in a cycle of violence.

The Challenge

Health care professionals see the manifestations of family violence on a regular basis. Yet they often fail to connect a woman's symptoms to abuse. As the American Medical Association itself has recognized, medical care providers routinely treat battered patients with classic signs of abuse, *e.g.*, repeated injuries, medical complaints, and mental health problems, without identifying or acknowledging the connection to domestic violence. In so doing, providers miss what may be the only opportunity to save a victim or offer an avenue of escape.



Domestic abuse represents 30% of all women's injuries treated in emergency rooms. Moreover, many of these injuries are serious.

Meeting the Challenge

In the early 90's, the Maryland Physicians' Campaign Against Family Violence and the Medical and Chirurgical Faculty of Maryland (Med Chi) conducted a three-year joint venture, modeled on several national programs, that provided educational materials and training about domestic violence, child and elder abuse to over 4,000 health care professionals. In 1994, the Domestic Violence Medical Response Act authorized the establishment of domestic violence centers at three Maryland hospitals.

In 1999, a group of physicians, nurses, victim advocates, law enforcement and state government officials created the Maryland Health Care Coalition Against Domestic Violence to improve and coordinate the health care system's response to family violence. The Coalition has drafted a model policy for the health care community, which will be ready for implementation in late 2001.

Recommendations

- The Council should continue to support the Coalition's effort to coordinate and improve the health care system's response to family violence.
- The Coalition should seek increased funding for the continued education and training of health care providers.
- The Coalition should focus on improving health care providers' documentation of their treatment of family violence victims, and on increasing collaboration generally with health care professionals.

3. Leadership and Public Awareness

Importance to Victims

Enduring and effective efforts to reduce and prevent family violence require the entire community to come together in unprecedented fashion. Family members, friends, neighbors, police officers, teachers, religious leaders, doctors, lawyers, judges, advocates - all must work to break down the barriers which hinder the true collaboration and coordination necessary to

provide ultimate protection for victims. This mandate requires change, and change requires leadership. Those in positions of power must communicate their vision and use their influence to change the way people think. They must educate people about the real dynamics of family violence, and convince them a new day has dawned. They must make people understand that family violence is no longer a private tragedy. Addressing family violence will no longer be left to individuals or single agencies acting alone. Rather, through strong leadership and hard-hitting public education, the community must be persuaded to engage together in a coordinated, comprehensive effort to eradicate the violence in families which threatens them all.

The Challenge

Advocates worked for many years with various parts of state and local governments to improve the lives of family violence victims. Although their successes were many, change was piecemeal. Because the State had not assumed a leadership role, these efforts lacked the coordination and resources that government can offer.

Meeting the Challenge

In 1995, with a shared vision of how the State could improve its response to the devastation of family violence, the Attorney General and Lt. Governor created the Family Violence Council. In so doing, they brought together representatives from all the sectors of the community which needed to begin to work together to effect real change.

In addition to its work in facilitating the enhanced communications and coordination necessary to a more effective response to family violence, the Council has served a critical role in public relations and outreach to the communities which must be engaged. Imbued with the authority and leadership of its co-chairs and the breadth of its membership, the Council enjoys recognition and credibility not only with all three branches of government, but also with victim service providers and advocates. The Council has worked to forge successful relationships where none existed before. It has also become a widely-recognized source of information upon which victims, the media, and many others depend.

Recommendations

- The Council, under the leadership of its co-chairs, should broaden its public education and outreach efforts in keeping with its increased emphasis on prevention.

4. Family Violence Research: the Community Advisory Board

Importance to Victims

Effective solutions depend upon a clear definition of the problem. The coordinated community response to family violence constitutes people working together to provide resources, services and legal remedies to victims. The effectiveness of these services and remedies depends upon how closely they reflect the real dynamics of family violence. For example, protective orders can work only if the victim actually wants to live separately and without contact from the abuser. If, in reality, family violence victims often choose to remain with their abusers, protective orders are of limited utility. Thus, efforts to improve our understanding of family violence are important in ensuring that the remedies we fashion and services we offer will actually help.

The Challenge

Inadequate information regarding victims' experiences with the criminal justice system have resulted in gaps and failures in the policies designed to protect victims. Similarly, insufficient data regarding the implementation and effectiveness of new and existing laws and policies precludes improving upon them.

Meeting the Challenge

Under a National Institute of Justice grant, a group of Maryland scholars conducted extensive research on the behavior of family violence victims over time. They also sought guidance from the domestic violence community, and thus formed the Community Advisory Board to assist them. In their study of 400 abused women, they discovered that some of the assumptions upon which various services and legal remedies depend were erroneous. For example, the incident which finally motivates a victim to seek help is not always the most serious

she has experienced. The relationships between victims and abusers do not always fit the legal definitions used in domestic violence laws. All of these revelations have implications for policymakers and those who respond directly to victims seeking help.

Recommendations

- The Council should encourage and support continued research into the dynamics of family violence, and continued efforts to improve the collection of data on how current legal protections and policies are working.

5. Cultural Diversity

Importance to Victims

Family violence cuts across all boundaries - race, ethnicity, education, socio-economic background, physical challenges, and sexual orientation. No group is left untouched. Yet serving victims in some groups presents unique challenges because of language, cultural or other barriers. Since family violence plagues every population, these barriers cannot be permitted to result in the denial of protection to victims.

The Challenge

The differences in language, culture, and other aspects of certain populations present a variety of obstacles to effective family violence interventions. Service providers, law enforcement, court personnel and others responding to victims may lack staff capable of communicating with non-English-speaking or hearing-impaired victims. They may lack understanding of appropriate protocols for intervention in cultures with different family structures. They may fail to comprehend the depth of a victim's distrust of authority figures based on living in a different political environment. Thus, policymakers and those on the front lines of the response to family violence victims often lack the skills and training necessary to address the needs of diverse populations.

Meeting the Challenge

In 1998, the MNADV established a Multi-Cultural Task Force to foster the development of culturally competent family violence services and to provide

Family violence cuts across all boundaries - race, ethnicity, education, socio-economic background, physical challenges, and sexual orientation.

opportunity for people from diverse communities to offer input into public policy development and implementation. The Task Force has sponsored presentations on the culturally-specific challenges of Asian, African-American, Native American, and immigrant victims, and it has facilitated diversity training workshops for law enforcement and service providers. The Task Force is exploring with the courts how to train court interpreters on the dynamics of family violence and cultural competency, and how the State meets the needs of victims from diverse populations generally.

Recommendations

- The Council should continue to support efforts to meet the special needs of victims from diverse populations, with particular focus on providing adequate training in diversity and cultural competency to all groups, including court interpreters, which serve victims.

6. Silent Witnesses

Hundreds of Maryland citizens, advocates, victims, law enforcement officers, and medical personnel participated in the National “March to End the Silence About Domestic Violence” in Washington, D.C., on October 18, 1997.

Maryland volunteers carried 36 silent witnesses, *i.e.*, free-standing, life-size wooden figures painted red, each bearing the name and story of a woman murdered by domestic abuse. Since 1997, a variety of groups around the State have used the silent witnesses to highlight the tragedy of domestic violence.



VII. Victim Assistance

1. Lay Advocacy

Importance to Victims

The services of lay advocates are critical to victims of family violence. For example, lay advocates provide information about protective orders and other legal options, help victims understand court forms, accompany victims to criminal court when they press charges against their abusers, and offer emotional support. In sum, they help victims navigate the often confusing labyrinth of the court system.

The Challenge

Testimony at the Council's public hearings underscored the vitally important role of lay advocates and made clear that there were not enough to assist the steadily increasing numbers of *pro se* victims seeking protection. In addition, an Opinion of the Attorney General cautioned that the prohibition against the unauthorized practice of law precluded advocates from performing certain functions for victims.

Meeting the Challenge

In 1996, the Council considered seeking legislation to broaden the permissible functions of a lay advocate, but decided instead to support additional funding for more lay advocates to serve increasing numbers of victims within the bounds of current law.

Since 1996, the State has devoted more resources generally to funding positions that provide support services to victims. Some circuit courts have established specific programs to assist family violence victims based on the nationally recognized Protective Order Advocacy and Representation Project. In 16 of 24 jurisdictions, the AOC has awarded funds through its Special Project Grants to assist victims. In addition, State's Attorneys' offices in all 24 Maryland jurisdictions now have lay advocates in the circuit court. Increasingly, State's Attorneys are also requesting funding to place advocates in the District Court, and other agencies have requested funds to hire lay advocates as well.

With respect to training and standards for lay advocates, the MNADV has sponsored three conferences since 1996, which have included workshops on lay advocacy. The State Board of Victim Services has also sponsored three statewide training sessions for lay advocates, and it is exploring the feasibility of a certification program for victim advocates. Finally, the MNADV Legal Advocates Task Force is developing uniform standards and a manual for lay advocates.

Recommendations

- The Council should continue to support additional funds to make as many lay advocates available as possible to meet the needs of *pro se* family violence victims. It should also help facilitate a coordinated effort to develop a lay advocacy manual, institute statewide training, and explore possibilities for a certification program.

2. VINE (Victim Information and Notification Everyday)

Importance to Victims

Victims of crime often feel as though they have lost control, respect, and the expectation of personal safety in their lives. As they struggle to recover from the aftermath of crime, they seek assurance particularly about their safety and security. Obtaining timely and accurate information about the offender and the criminal proceedings associated with their victimization can go a long way toward providing this assurance. Victims want to know where the offender is in custody and when he is released. They also want information about where their case is in the complex and often lengthy judicial process. Providing victims with



notification of all relevant proceedings gives them respect they deserve and information they need to feel safe.

The Challenge

Prior to 1996, victims often felt shut out of the judicial process. With its primary focus on dealing appropriately with offenders, the criminal justice system failed largely to address the needs of victims. Victims certainly had little expectation of receiving notification of any judicial proceedings. They often read in the newspaper about the disposition of their case or the release of the offender.

Meeting the Challenge

In 1996, the General Assembly enacted the Victims' Right to Notification Act. This law requires that victims be notified of their rights from their first point of contact with the criminal justice system. These rights include timely notification of certain proceedings involving the offender's criminal case and status.

In 1998, the State piloted the Victim Information and Notification Everyday Program, (VINE), a state-of-the-art, computerized, multilingual notification service, and began statewide implementation in fiscal year 2000. The service assigns all victims choosing to participate a personal identification number and a 24-hour, toll-free telephone number to register for notification of proceedings and to check on the status of offenders. When the victim calls, the service will give her case status and offender location information.

As of October 1, 2001, twenty-three county detention centers are linked into the VINE system. District and circuit courts are expected to be on line in the fall of 2001.

Recommendations

- The Council should continue to support the State's efforts to implement the VINE program statewide and to educate the public about the service.

3. Supervised Visitation Centers

Importance to Victims

Families suffering from domestic violence or child abuse can present a complex range of problems as they attempt to sustain or repair parent/child relationships. For example, while a protective order may bar a man from contact with his partner, he may still want to see his children, and a court may agree that visitation is in the children's best interests. Yet spending time together or even simply handing children over to the other parent can pose risks and dangers in the explosive context of a family shattered by violence. Such families often need a safe haven in which they can visit their children under supervision when necessary or exchange children for unsupervised visitation without the threat of further violence.

The Challenge

Prior to 1996, few if any jurisdictions could provide a neutral, safe environment for supervised visitation or exchanging children for unsupervised visitation. This put women and children at risk of further violence, it hindered parents' ability to maintain relationships with their children, and it limited the courts' options for ordering safe visitation in family violence cases.

Meeting the Challenge

In 1996, the Council recommended that local jurisdictions create safe, child-friendly environments for supervised visitation and the exchange of children. Since 1997, the Department of Human Resources has provided \$150,000 for this purpose, and GOCCP has funded centers in Western Maryland. Nineteen of Maryland's twenty-four jurisdictions now provide supervised visitation services through the AOC. Sixteen jurisdictions provide monitored exchange services, and the Children's Rights Counsel of Maryland operates monitored exchange sites in a large number of jurisdictions using volunteers. Some rural jurisdictions are also beginning to provide much-needed transportation services for visitation.

As of October 1, 2001, twenty-three county detention centers are linked into the VINE system. District and circuit courts are expected to be on line in the fall of 2001.

Recommendations

- The Council should continue to promote healthy and safe visitation experiences for victims and their children. Specifically, it should encourage increased funding for visitation center staff and security in all jurisdictions, with an emphasis on rural needs. It should also promote establishing protocols for the hiring and training of staff providing visitation services.

4. Welfare and Medicaid Systems' Reform

Importance to Victims

Federal and state welfare reform has begun its attempt to reduce welfare dependency. Federal welfare reform law essentially places time limits on benefits and imposes various work requirements on recipients. The dynamics of family violence, however, render these limits and requirements uniquely dangerous for victims. Losing benefits can make victims even more dependent on their abusers and decrease the likelihood that they will escape either their poverty or their abuse. Thus, federal law permits states to exempt family violence victims from the time limits and work requirements, and leaves to states' discretion the precise criteria and procedures for the exemptions.

The Challenge

While Maryland's reform law creates essentially the same exemption for family violence, advocates had specific concerns about how the exemptions would actually work. They worried about victims' ability to comply with the requirement that they find employment within 60 months. They also feared for victims' safety if they were required to cooperate with the State's efforts to establish paternity and collect child support. Finally, they had concerns about whether victims' particular health care needs would be met in the required transition to managed care organizations.

Meeting the Challenge

The State has responded to these concerns by adopting the Family Violence Option as part of its welfare reform. This creates a "safety net" for

family violence victims by requiring that all local departments of social services screen applicants for family violence issues. Those applicants characterized as family violence victims then receive a waiver of the time limits while they are working with a counselor to resolve the violence issues. In addition, since June 1999, the State has not applied its length of residency requirement to victims seeking benefits in Maryland who have fled other states to escape family violence. Finally, victims do not have to assist in pursuing child support where such assistance would jeopardize their safety.

In 1997, the Department of Human Resources' Family Investment Administration and Community Services Administration, together with the Anne Arundel County Department of Social Services, obtained a VAWA grant to train all of their Family Investment workers, child support workers and clerical staff. Between 1997-1998, DHR trained all of the Family Investment Administration's 4500 caseworkers, and continues to train all new employees.

In order to protect family violence victims in the shift of medicaid recipients to managed care organizations, DHR has an agreement with the Department of Health and Mental Hygiene to assist them in screening medical assistance applicants for family violence. The Community Services Administration also has contracts with domestic violence service providers.

Recommendations

- The State should continue to improve the screening practices and training of local departments of social services to ensure that family violence victims do not fall through the cracks. In addition, the State should track family violence victims to determine whether they receive necessary referrals for domestic violence services, medical attention, mental health services and substance abuse treatment.

Nineteen of Maryland's twenty-four jurisdictions now provide supervised visitation services through the Administrative Office of the Courts.

VII. Children

Importance to Victims

The victimization of a parent leads inexorably to the victimization of the child. A child's exposure to family violence has far-reaching and traumatic impact on the child's entire life. It affects the child's physical and mental health, school experience, and relationships with peers and teachers. Growing up in a violent home also increases the likelihood that a child will perpetuate the cycle of violence into adulthood as either a victim or abuser. An estimated 30% of children who witness violence in their homes become perpetrators of violence. This is considerably higher than the abuse rate of 2% – 4% found for children in the general population.

The Challenge

One of the most systematic and effective ways of reaching children who may be suffering from exposure to family violence is through their schools. The Council found that while some school systems had excellent family violence education and intervention programs, others did not address the issue at all.

Meeting the Challenge

The Council's Children's Action Team determined that identifying and giving recognition to exemplary family violence school programs would provide useful guidance in the development of new programs. Although the programs chosen as models differed from one another in many respects, several common themes emerged. All successful programs emphasized the importance of fairness and respect in dealing with others and taking responsibility for one's own actions. They also stressed that either parents or caring adults who are accessible must be involved in a child's life. Finally, they made clear that the community must work together in supporting children and solving their problems, and resources must be available when children's problems become too complex for the school to address.⁵

Recommendations

- School systems should continue to address family violence, and should ensure particularly that they give adequate attention to dating violence. To this end, schools should establish collaborative relationships with LFVCC coordinators where they do not exist already. The Council should help facilitate these connections, particularly among LFVCCs, Safe Schools and Character Education activities.
- Mental health counselors who work with schools and youth should be trained to identify and address family violence issues.



⁵ The five programs highlighted as models and still in existence today were: Anne Arundel County - No Putdowns; Frederick County - Character Counts! Program; Montgomery County - Talk It Out!; Prince George's County - Second Step Violence Prevention Program; and St. Mary's County - Maryland Student Assistance Program.

VIII. Abuser Intervention Programs

Importance to Victims

Abuser intervention programs (“AIPs”) have become an increasingly important part of the State’s multifaceted response to family violence. This reflects the recognition that victim safety cannot ultimately be ensured to the maximum extent feasible without changing, where possible, the behavior of the abusers. Courts are ordering offenders to participate in AIPs more frequently, either as a condition of probation, or as a provision of a civil protective order.

The Challenge

The Council recommended the increased use of AIPs as part of its overall approach to making victim safety paramount, but had several concerns. First, Maryland had no standards or guidelines for those working with abusers. Second, there was no agreement about which intervention methods worked with abusers and which did not. Finally, not all judges were ordering offenders, in either criminal or civil actions, to attend AIPs.

Meeting the Challenge

- Guidelines

In 1996, based on a proposal developed by the MNADV, the Council adopted *Operational Guidelines for Family Violence Abuser Intervention Programs in Maryland*. The purpose of these Guidelines is to establish minimum operating standards for AIPs. These standards are intended to make programs more responsible for victim safety and accountable to the courts, hold abusers accountable for their abusive behavior, and promote a coordinated approach to ending family violence.

Every year since 1997, a list of programs that report they have complied with the Guidelines has been included in Maryland’s Judges’ Manual on Family Violence. Judges are encouraged to refer abusers only to those programs on the list.

- AIP Research Collaborative

In 1997, the Council convened a Family violence Abuser Research Collaborative (Collaborative). The goal of the Collaborative is to continue ongoing communication within the AIP community, to help determine effective practices, and to develop standards based on those practices. Accomplishments include:

- Ongoing publication of *Abuser Intervention Practice and Research Update*, a newsletter for the AIP community. Six have been circulated since 1999.
- Organized four statewide AIP conferences. Participants have included the Council co-chairs, and nationally-known family violence speaker Barbara Hart, Esq.
- In 2000 created *Domestic Violence Abuser Intervention: A Handbook for Judges* and presented information about AIPs to District and circuit court judges.

Recommendations

- The Council’s AIP committees should continue to conduct research into the effectiveness of AIPs; help programs collect uniform outcome data; revise the Guidelines, certification and peer review processes as needed; educate non-self-certified AIPs, judges, State’s Attorneys and others about the benefits of referring abusers to AIPs; and sponsor statewide conferences to encourage best practices. These activities will foster a coordinated community response to holding abusers accountable for their actions and keeping victims safe.

IX. Sex Offender Treatment Programs

Importance to Victims

Sexual victimization is both a public health and criminal justice issue which warrants a comprehensive, systemic response. As part of a broad range of services necessary to address and prevent sexual victimization, the proper evaluation, treatment and management of sex offenders can have a potentially huge impact on public safety.

The Challenge

No national or state standards for the certification of programs which treat sexual offenders exist. This absence of minimum requirements regarding competency and experience undermines both the effectiveness and credibility of sex offender interventions. Inadequate or inappropriate treatment and management of sex offenders can create an unacceptable risk to the community.

Meeting the Challenge

In 1996, the Council began to support efforts to develop standards and a certification process for sex offender treatment programs. The Subcommittee was concerned that because Maryland imposed no requirements whatsoever, practitioners could offer sex offender treatment without any background in the field. First, the

Council's Sex Offender Treatment Subcommittee surveyed other states and Canada to determine the credentials required of their sex offender treatment providers. The Subcommittee then developed proposed minimum standards for providers in Maryland.

In 2000, the Subcommittee began addressing the problem of identifying who actually treats sex offenders in the State. It developed a sex offender treatment provider questionnaire to be sent to all potential providers, and the information received will be used to compile a directory.

The Subcommittee continues to work towards the goal of developing a sex offender treatment certification process. Most recently, it has participated in a State Sex Offender Task Force that is addressing a range of issues relevant to the treatment and management of sex offenders.

Recommendations

- The State should establish minimum standards and a certification process for sex offender treatment programs. The Council should continue to assist the State in achieving this goal.

X. Conclusion

Maryland has made significant progress, but much remains to be done. Through the leadership and coordination of the Family Violence Council and the many individuals and agencies with whom it has worked, we have begun to respond to family violence as a community. We have begun to recognize that the depths of the devastation wrought by family violence demand a united response. Only through enhanced and sustained communication, cooperation, and collaboration has the tide really begun to turn.

Yet every day victims still die. Every day women miss work because of abuse suffered the night before. Every day children arrive at school in shock from the violence they witnessed at the breakfast table. Their vulnerability, their suffering, and their everyday courage inspires us to rededicate ourselves to eradicating family violence from our State.

**STOPPING
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COMMUNITY
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The Family Violence Council

The Council is made up of representatives from the following systems:

1. President, Maryland States Attorneys' Association or designee	(2)
2. District Court Judge	(2)
3. Circuit Court Judge	(2)
4. Court of Appeals Judge	(1)
5. Superintendent, Maryland State Police	(1)
6. President, Maryland Sheriffs' Association or designee	(1)
7. Director, Division of Parole and Probation	(1)
8. Director of Victim Services, Department of Human Resources	(1)
9. Executive Director of a Local Service Provider	(3)
10. Executive Director, Maryland Network Against Domestic Violence	(1)
11. Executive Director, Maryland Coalition Against Sexual Assault	(1)
12. Executive Director, Sexual Assault Treatment Center	(1)
13. Coordinator, Commissioner Activity	(1)
14. Senator, Maryland State Assembly	(1)
15. Delegate, Maryland State Assembly	(2)
16. President, Maryland Chiefs' Association or designee	(1)
17. Member at Large	(1)
18. Researcher/Professor	(1)
19. Executive Director, Maryland Commission for Women	(1)
Total Members:	25

**STOPPING
FAMILY
VIOLENCE:
THE
COMMUNITY
RESPONDS**

For additional copies, please contact
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Baltimore, MD 21202
Jodi Finkelstein, Director
(410) 576-6953

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